

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALES,
Plaintiff,

v.

CIRCLE A FOODMART AND GAS, *et al.*,
Defendants.

Case No. [15-cv-02759-SI](#)

**ORDER DENYING PLAINTIFF'S
MOTION TO ENFORCE GENERAL
ORDER 56 AND FOR SANCTIONS**

Re: Dkt. No. 16

On April 1, 2016, the Court held a hearing on plaintiff's motion to enforce General Order 56 and for sanctions. Plaintiff's counsel did not appear at the hearing, and no explanation has been provided to the Court regarding counsel's failure to appear. Defense counsel was present at the hearing.

Plaintiff's motion states that although plaintiff executed the settlement agreement, defendants never signed the agreement. Plaintiff's motion seeks an order compelling defense counsel to conduct a site visit, and seeking sanctions against defense counsel regarding a site inspection scheduled for February 10, 2016 that did not happen. Defendants oppose the motion, and defense counsel filed a declaration stating that he was, in fact, present at the Circle A Foodmart and Gas for the February 10, 2016 site inspection, and that plaintiff's counsel left the site while defense counsel was on a phone call.

As the Court stated at the hearing, this case is closed, and plaintiff's motion requesting a site visit is procedurally improper. On November 2, 2015, plaintiff's counsel filed a "Notice of Settlement" informing the Court that this case had been settled. In an order filed November 4, 2015, the Court dismissed this case. That order provided that "if any party hereto certifies to this

1 court, with proof of service of a copy thereon on opposing counsel, within ninety days from the
2 date hereof, that settlement has not in fact occurred, the foregoing order shall be vacated and this
3 cause shall forthwith be restored to the calendar for further proceedings." Dkt. No. 15. No party
4 sought to reopen the case within ninety days of the November 4, 2015 order (February 2, 2016),
5 and there is no explanation in plaintiff's current motion regarding why plaintiff did not inform the
6 Court prior to February 2, 2016 that the settlement had not in fact occurred.¹

7 For the foregoing reasons, the Court DENIES plaintiff's motion.

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9 **IT IS SO ORDERED.**

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11 Dated: April 1, 2016



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13 SUSAN ILLSTON
14 United States District Judge
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28 ¹ The Court notes that defense counsel represented at the hearing that the barriers alleged in the complaint have all been fixed.